

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

In re MASSEY ENERGY CO.
SECURITIES LITIGATION,

Civil Action No. 5:10-cv-00689
Judge Irene C. Berger
Magistrate Judge R. Clarke Vandervort

THE UNITED STATES OF AMERICA'S REPLY
MEMORANDUM IN SUPPORT OF ITS COMBINED MOTIONS
TO INTERVENE AND TO STAY DISCOVERY

The United States of America and the plaintiffs have reached an agreement regarding the United States of America's Combined Motions To Intervene And To Stay Discovery. The terms of that agreement are embodied in the proposed order attached as Exhibit A. The United States and the plaintiffs request that the proposed order (Exhibit A) be entered if the Court allows a partial lifting of the PSLRA stay of discovery in this civil action. If the Court should allow a partial lifting of the PSLRA stay of discovery and prepares an order for entry which differs from Exhibit A, the United States requests that the safeguards and substantive provisions contained in Exhibit A be adopted in the Order entered by the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE FOR
THE UNITED STATES OF AMERICA'S REPLY MEMORANDUM
IN SUPPORT OF ITS COMBINED MOTIONS TO INTERVENE
AND TO STAY DISCOVERY

I, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, hereby certify that on April 15, 2011, I electronically filed the foregoing **THE UNITED STATES OF AMERICA'S COMBINED MOTIONS TO INTERVENE AND TO STAY DISCOVERY AND MEMORANDUM OF LAW IN SUPPORT** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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I, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, also hereby certify that on April 15, 2011, I served the foregoing **THE UNITED STATES OF AMERICA'S REPLY MEMORANDUM IN SUPPORT OF ITS COMBINED MOTIONS TO INTERVENE AND TO STAY DISCOVERY** on the following non-CM/ECF participants by United States mail, postage prepaid:

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